

FILED
U.S. DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
2004 JUL 26 A 11:58

BOSTON FEDERAL SAVINGS BANK,)	U.S. DISTRICT COURT DISTRICT OF MASS
Plaintiff,)	CIVIL ACTION NO. 04-10474-GAO
v.		Formerly
MICHELE A. DEANGELIS,)	Suffolk Superior Court
HAROLD B. MURPHY, TRUSTEE,)	C.A. No. 04-0305
CHAMPION MORTGAGE CO., INC.,)	
SHAUN CARVELLI D/B/A/ARTISTIC)	
INTERIOR, ELLEN R. MARCUS, MARK T.)	
COLLINS, MASSACHUSETTS DEPT.)	
OF REVENUE, AND THE INTERNAL)	
REVENUE SERVICE,)	
Defendants.)	

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND ITS MOTION TO
DEPOSIT IN COURT AND TO DISMISS PLAINTIFF**

Now comes the Plaintiff, Boston Federal Savings Bank, and moves pursuant to Local Rule 7.1 to amend its previously filed motion and deposit in Court the sum of \$86,680.95. This amount represents the surplus funds from the mortgage foreclosure conducted by Plaintiff on the premises of the Defendant, Michele A. DeAngelis, in the amount of \$93,076.78 less costs, expenses and attorneys' fees in the amount of \$6,395.83 related to the filing and prosecution of this interpleader action in the Superior Court and this Court.¹ As grounds therefore, the Plaintiff states that it has incurred additional costs that were not reflected in its earlier motion. These new costs are based on motion practice and opposition to motions currently filed. In further support of this Motion, the

¹ Motion that is currently filed seeks to deposit \$89,597.57 based on attorneys' fees of \$3,479.21.

Plaintiff submits the Affidavit of counsel regarding costs, expenses and attorneys fees related to this interpleader to date. Said Affidavit is attached hereto as Exhibit "A".

WHEREFORE, the Plaintiff respectfully requests that this Court allow Boston Federal Savings Bank to amend its earlier motion and issue an order permitting deposit on the clerk of the court the sum of \$86,680.95 and dismiss the action as to Boston Federal Savings Bank, upon deposit.

Respectfully submitted,

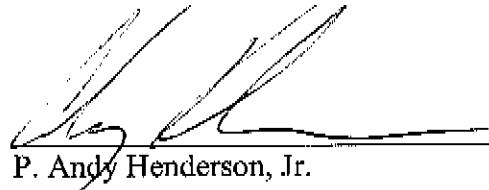
BOSTON FEDERAL SAVINGS BANK,
By its attorneys,



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CERTIFICATE OF SERVICE

I, hereby certify that on the 23rd day of July, 2004, I served a copy of *Plaintiff's Motion for Leave to Amend its Motion to Deposit in Court and to Dismiss Plaintiff* by first-class mail postage prepaid upon the parties listed on the attached Service List.



P. Andy Henderson, Jr.

Boston Federal Savings Bank v. Michele A. DeAngelis, et al.
Civil Action No. 04-10474-GAO

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